

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TREVOR E. HYND,
Plaintiff

v.

NANCY A. BERRYHILL,¹
Acting Commissioner of the Social Security
Administration,
Defendant

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No. 1:17-CV-00578

(Judge Kane)
(Magistrate Judge Carlson)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Before the Court in the above-captioned action is the May 7, 2018 Report and Recommendation of Magistrate Judge Carlson (Doc. No. 12), recommending that the Court vacate the decision of the Commissioner of Social Security denying Plaintiff Trevor Hynd's application for disability benefits and remand the matter for a new administrative hearing pursuant to sentence four of 42 U.S.C. § 405(g). In his Report and Recommendation, Magistrate Judge Carlson finds that the Administrative Law Judge's decision to discount the opinion of Plaintiff's treating physician was not supported by substantial evidence. (Doc. No. 12 at 24-28.) On May 21, 2018, the Commissioner of Social Security filed a letter waiving the opportunity to object to the Report and Recommendation. (Doc. No. 13.)

¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure and 42 U.S.C. § 405(g), Acting Commissioner Nancy A. Berryhill is automatically substituted as the named Defendant in place of the former Commissioner of the Social Security Administration.

ACCORDINGLY, on this 23rd day of May 2018, upon independent review of the record and applicable law, **IT IS ORDERED THAT**:

1. The Court **ADOPTS** the Report and Recommendation (Doc. No. 12), of Magistrate Judge Carlson;
2. The decision of the Commissioner of Social Security denying Plaintiff benefits is **VACATED** and the case is **REMANDED** for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g); and
3. The Clerk of Court is directed to enter judgment in favor of Plaintiff and against Defendant, and **CLOSE** this case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania